

# EXHIBIT 61

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et. al.*,

Plaintiffs,

v.

DONALD TRUMP, *et. al.*,

Defendants,

No. 1:17-CV-5228

## **DECLARATION OF DEIRDRE HEATWOLE**

I, Deirdre Heatwole, declare as follows:

1. I am General Counsel for the University of Massachusetts (“UMass” or “University”). UMass is a public land grant university with five campuses located in Amherst, Boston, Dartmouth, Lowell, and Worcester, Massachusetts. I have been employed at the University in this capacity since 2008. Previously I was employed as Associate Counsel for the University since 1988. My current duties generally include managing legal services for the University; providing advice and representation for University administration; informing University employees and officers regarding compliance, risk management, and state and federal laws.

2. I have either personal knowledge of the matters set forth below or, with respect to those matters for which I do not have personal knowledge, I have reviewed information gathered from University records by others within the organization.

3. The University’s campuses offer vibrant learning environments that welcome diverse people, ideas, and perspectives. We encourage the application and enrollment of undocumented students and students granted Deferred Action for Childhood Arrivals (DACA).

4. Since the DACA program went into effect in 2012, many colleges and universities, including UMass campuses, have seen the critical benefits of this program for our students and the positive impacts on our institutions.

5. Terminating the DACA program will have a negative impact on the University, its students, and faculty. DACA recipients enrolled at UMass campuses are eligible for in-state tuition and various scholarships. Without access to this financial assistance, and with the likelihood that they will not be able to work legally upon graduation, some DACA beneficiaries

may not apply or enroll at the University in the first place. Many of those DACA students who already have enrolled will not be able to afford to continue their education. Graduate students, in particular, will be significantly affected as the loss of employment authorization needed for Graduate Assistantship (Research or Teaching) will likely mean the loss of tuition waivers and fringe benefits such as subsidized health/dental/eye care insurance for the DACA Graduate student and their families.

6. Additionally, any undergraduate or graduate program that requires employment authorization to complete elements of the program such as paid internships, residency training and Graduate Assistantships, such as Research (RA) and Teaching (TA) positions, will be severely impacted by the loss of work authorization. Inability to work may, in certain circumstances, prevent a DACA student from meeting the academic requirements of their degree programs, especially in the “bench sciences” that require significant lab work to complete research needed for Masters and Ph.D. degrees. Graduate RAs and TAs perform significant functions for the University, the loss of which will negatively impact both faculty who rely on their research to advance scholarship, and students who rely on their teaching duties to complete lower level course curriculum requirements.

7. If new DACA students do not enroll, or current DACA students are forced to drop out, the University will lose the benefit of the special contributions and perspectives that these special young people bring to our campus communities as both students and alumni. If current DACA students are forced to drop out, UMass will also lose the value of the financial assistance and the other resources UMass has invested in educating students who ultimately are not able to graduate.

8. The University will also suffer additional tangible harms if the DACA program is terminated. We have already begun to experience disruption as a result of uncertainty over the future of the program and are preparing for the likelihood of increased institutional funds needed to help DACA students meet loss of employment.

9. All UMass campuses have designated a dedicated staff member who manages communications and services for our “dreamers” population, including DACA students. In addition, among other things, UMass has had to create an internal crisis communication structure for alerting senior leadership and management of various immigration changes with campus-level task forces closely monitoring executive actions, initiating outreach to the campus community that protects confidentiality and privacy concerns, and identifying institutional needs and resources.

10. Finally, the University also employs a number of non-student DACA recipients. If the program is terminated, we can no longer employ these individuals, and we will lose their services and the value of our investment in them and will incur additional costs to hire and train replacements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of September, 2017.

A handwritten signature in blue ink, appearing to read "Deirdre Heatwole", written over a horizontal line.

Deirdre Heatwole